

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DRAZEN BLAZEYIC,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

Case No. C12-2259-TSZ-BAT

**REPORT AND  
RECOMMENDATION**

**I. INTRODUCTION AND SUMMARY CONCLUSION**

On January 10, 2013, petitioner Drazen Blazeyic filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, seeking release from immigration custody or an individualized bond hearing. Dkt. No. 3. After the habeas petition was filed, however, petitioner was removed from the United States to Croatia pursuant to an administratively final order of removal. Dkt. No. 13, Exh. A. Because petitioner was removed from the United States and is no longer in immigration custody, his habeas petition has become moot and should be dismissed.

**II. DISCUSSION**

Under 28 U.S.C. § 2241, a writ of habeas corpus “shall not extend to a prisoner unless . . . [h]e is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). The “in custody” requirement is satisfied at the time the petition is filed.

1 *Spencer v. Kemna*, 523 U.S. 1, 7 (1998) (citations omitted). To maintain a habeas claim, a  
 2 petitioner must continue to have a personal stake in the outcome of the suit throughout “all stages  
 3 of federal judicial proceedings.” *United States v. Verdin*, 243 F.3d 1174, 1177 (9th Cir. 2001).  
 4 At any stage of the proceedings, a petition may become moot “because it no longer present[s] a  
 5 case or controversy under Article III, § 2, of the Constitution.” *Spencer*, 523 U.S. at 7. “For a  
 6 habeas petition to continue to present a live controversy after the petitioner’s release or  
 7 deportation, however, there must be some remaining collateral consequences that may be  
 8 redressed by success on the petition.” *Abdala v. INS*, 488 F.3d 1061, 1064 (9th Cir. 2007) (citing  
 9 *Spencer*, 523 U.S. at 7).

10 Here, the relief sought in the habeas petition is no longer available and there are no  
 11 collateral consequences that may be redressed. *See id.* (“[W]here the grounds for habeas relief  
 12 will not redress collateral consequences, a habeas petition does not continue to present a live  
 13 controversy once the petitioner is released from custody.”). The habeas petition, therefore, has  
 14 become moot and should be dismissed. *See id.*; *see also Cooney v. Edwards*, 971 F.2d 345, 346  
 15 (9th Cir. 1992)(holding that the District Court properly dismissed plaintiff’s claims that had  
 16 become either moot or unripe).

### 17 III. CONCLUSION

18 For the foregoing reasons, the court recommends that this action be dismissed as moot.  
 19 A proposed order accompanies this Report and Recommendation.

20 Any objections to this Report and Recommendation must be filed and served upon all  
 21 parties no later than **April 23, 2013**. If no objections are filed, the matter will be ready for the  
 22 Court’s consideration on **April 26, 2013**. If objections are filed, any response is due within 14  
 23 days after being served with the objections. A party filing an objection must note the matter for

1 the Court's consideration 14 days from the date the objection is filed and served. Objections and  
2 responses shall not exceed ten (10) pages. The failure to timely object may affect the right to  
3 appeal.

4 DATED this 9th day of April, 2013.

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7 BRIAN A. TSUCHIDA  
8 United States Magistrate Judge  
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